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CIA Act

(U//AIUO) Internal PIPD Policies**UNCLASSIFIED//AIUO**

From CIA [redacted]

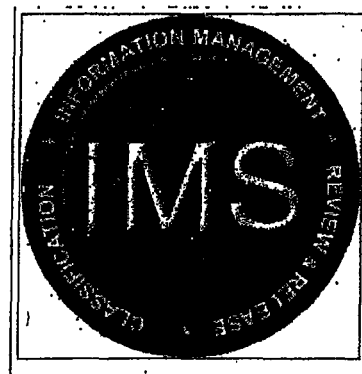
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This page is meant to capture *current* policy within the Public Information Programs Division (PIPD). As policies change and evolve, instant updates can be made for employee reference.

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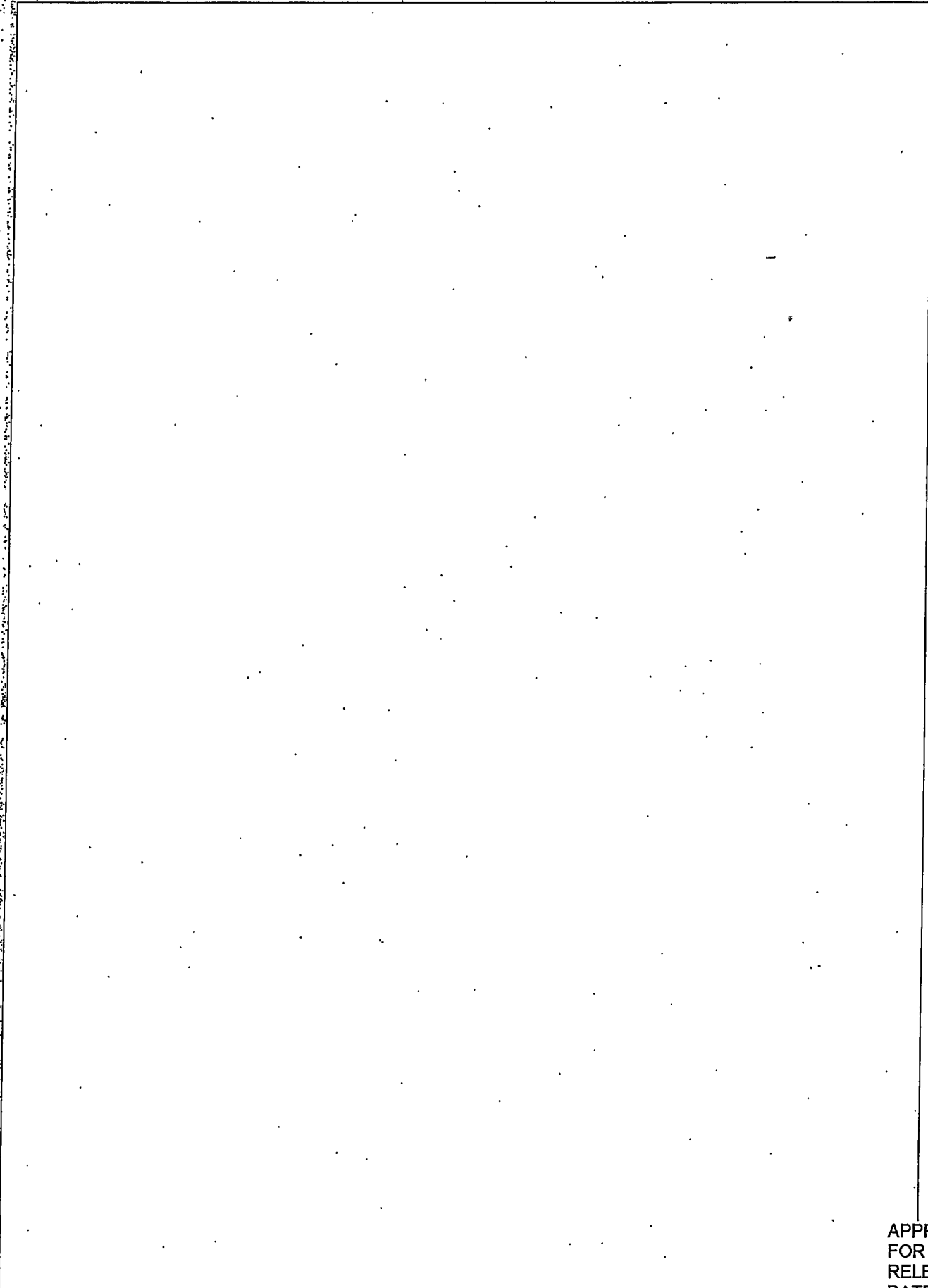
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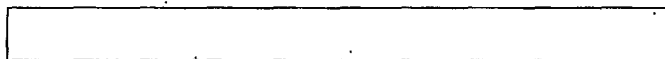
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Tasking Policy

Background information for Requests for Information on Airborne and Satellite Reconnaissance Programs

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In October 1996, the CIA signed a Memorandum of Agreement with the newly-formed National Imagery and Mapping Agency (NIMA) that turned over the majority of the records of the former National Photographic Interpretation Center (NPIC) and the former Office of Imagery Analysis (OIA) to NIMA. NIMA has since been renamed the National Imagery and Geospatial Intelligence Agency (NGA). With few exceptions, all imagery, imagery-derived information, and imagery analysis tradecraft information fall under NGA's purview. Some NPIC and OIA records were retained by CIA; these include budget and other administrative information, personnel records, imagery support to operations files and the ground photo collection. Please continue to task requests for this information to the DS&T/IRO. Please note that

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Information related to satellite research, development, technical specifications and capabilities, and operations and management falls under the purview of the National Reconnaissance Office (NRO) and should be referred to them for review. NRO will protect any sensitive Office of Development and Engineering (OD&E) equities (except for administrative and personnel information) during the course of their review. OD&E administrative and personnel records should continue to be sent to the DS&T IRO for review.

A great deal of information related to the U-2 and A-12 aircraft reconnaissance programs has already been released. Previously unacknowledged information should continue to be referred to the DS&T/IRO; however, U-2 activities post October 1974 should be referred to USAF, and information limited to foreign basing and other liaison information related to these programs should be referred to the State Department for a release determination.

On 22 February 1995, President Clinton signed Executive Order 12951, which entitled release of imagery acquired by space-based National Intelligence Reconnaissance Space Systems. This order provides for the declassification and transfer of imagery from the Corona, Argon, and Lanyard space-based national intelligence reconnaissance systems to the National Archives and Records Administration (NARA) with a copy to the United States Geological Survey (USGS) within 18 months of the signing of that Order.

The CIA History Staff published an unclassified paper on CORONA on 16 August 1960 (3 copies reside on the bookshelf in PIPD) that is available to the public thru NTIS & Library of Congress.^[2]

Damage Assessment

A review is considered a damage assessment when a classified record is pulled from an open file in which it was overlooked during records processing. When unclassified copies are found in an open file of a classified record that is located elsewhere, the classified record is reviewed, but the review is not considered a damage assessment.

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Third-Agency Rule

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The following is an NSC memo describing the "third-agency" rule.

"The 'third-agency' rule requires an addressee agency to obtain the permission of the originating agency before transmitting documents or information to a third party, including other agencies, the Congress, the courts, and the public. Therefore, when processing a request for documents involving information originating at the NSC, you should forward such documents for NSC review prior to release. Our policy remains to release such documents and information wherever possible, but our obligation to protect certain categories of information necessitates review prior to release. This obligation extends to both classified and unclassified documents, since the latter may contain policy-deliberative of other exempt or privileged information".^[6]

Correspondence

NSC Policy for Handling Referrals

From the NSC perspective, an individual copy of an NSC record that resides within the holdings of another government agency is under the control of that agency. Therefore, that agency should obtain NSC concurrence on the review of the NSC record. Once that review is complete, the NSC will return the redacted items with a cover letter to the agency surfacing the record. Then it is that agency's responsibility to reply to the requester.^[7]

Appeals

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When a request is denied in full or in part, or no records responsive to the request are located, a requester (b)(3) is normally granted the right to appeal the decision to the Agency Release Panel. Appeals are not considered valid if they meet any of the following criteria:

- More than 45 days have passed since the date of the final response letter.
- The requester was not granted appeal rights because of an operational files exemption.
- The subject was appealed within the last 2 years.
- The requester has unpaid fees.

Appeals Tasking

If an appeal is determined to be valid, it must always be tasked for either a new search or a new review. At the initial level, a case manager often sends an email to an IRO to ask for approval to send the requester a Glomar response.

At appeal, however, the directorate that issued the Glomar at the initial level must be tasked to either withdraw or uphold the initial Glomar.

Tasking at the appeal level requires an examination of the initial response from each directorate that was tasked, and determining the most efficient way to re-task them.

Some examples:

If the requester is appealing the redactions in one or more documents, it is essential to assess each individual document to determine who to task at appeal. If multiple directorates issued a Release-in-Part (RIP) decision at initial, all must be re-tasked. If one directorate issued a RIP but one issued a Deny-in-Full (DIF) for the same document, only the directorate that issued the DIF should be re-tasked (unless they reverse their decision at appeal). If a particular directorate issued a Release-in-Full (RIF) response for a particular document, there is no need to re-task that directorate at appeal.

Appealing the Adequacy of Search

If no documents were located at the initial level and the requester appeals, all directorates that were initially tasked (and possibly additional directorates) must be tasked to perform a new search. Additional directorates might be tasked for a search if an IRO, the C/IRRG, or the Agency Release Panel recommends it.

Links

Public Information Programs Division (PIPD)
Executive Order 12958
Freedom of Information Act (FOIA)
Privacy Act (PA)
Publications Review Board (PRB)

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References

1. [redacted] (b)(3)
2. ↑ Word document from [redacted] to [redacted] and [redacted] Title: [redacted] 10/22/2007 (b)(3)
3. [redacted] (b)(3)
4. [redacted] (b)(3)
5. [redacted] (b)(3)
6. ↑ Memorandum from [redacted] to 'Agency Counterparts'. Subject: Release of National Security Council Documents", 04/18/1991 (b)(3)
7. ↑ Record of Telecom between [redacted] and [redacted] (NSC). Subject: "NSC Return of CIA Referred Executive Order Case," 10/02/2006 (b)(3)

Retrieved from [redacted] (b)(3)

Category: PIPD Business Practices

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